

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOSEPH KVASNE,)	CASE NO. 1:08CV2019
)	
Petitioner,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
TERRY COLLINS, Director, DRC,)	JUDGMENT
<i>et al.,</i>)	
)	
Respondent.)	
)	

The instant matter is before the Court upon a petition for a writ of habeas corpus filed by Joseph Kvasne, pursuant to 28 U.S.C. § 2254. (Dkt. # 1). The Court construed Claim One of the petition as seeking relief pursuant to 28 U.S.C. § 2241.

For the reasons set forward in this Court's memorandum opinion and order of August 10, 2010, (Dkt. # 20), it is **ORDERED** that the Magistrate Judge's Report and Recommendation is **ADOPTED**, except as noted in Part II of the memorandum opinion and order; and **IT IS FURTHER ORDERED** that Petitioner Joseph Kvasne's petition for a writ of habeas corpus, pursuant to 28 U.S.C. §§ 2241, 2254, (Dkt. # 1) is **GRANTED** with respect to Claim One, and **DENIED** with respect to Claims Two and Three. (Dkt. # 1).

Finally, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Peter C. Economus – August 10, 2010
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE